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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

LIU, Yu *et al.*

Appl. No. **10/607,584**

Filed: **27 June 2002**

For: **Improved Methods and
Compositions for Capillary
Electrophoresis (CE)**

Art Unit: To be Assigned

Examiner: To be Assigned

Atty. Docket: 03501.141

**Request for Reconsideration of Petition Under C.F.R. § 1.47(a)
Relating to Edward V. Koh**

BOX DAC

Honorable Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully requests reconsideration of the January 23, 2004, Dismissal of Applicants' October 20, 2003, Petition pursuant to 37 C.F.R. § 1.47(a) to allow the present application to be made by inventors Yu Liu, M. Parameswara Reddy and Chitra K. Ratnayake, notwithstanding the failure of inventor Edward V. Koh to join in the application.

No fee is believed to be due for consideration of this submission. If, however, the Commissioner determines that a fee is required to review and act upon this submission, then the Commissioner is authorized to charge such fee to Deposit Account 50-0548.

The facts relating to this matter are provided below.

1. I, Jeffrey I. Auerbach, am the attorney of record for the above-described patent application.
2. On information and belief, the inventors Yu Liu, M. Parameswara Reddy, Chitra K. Ratnayake, and Edward V. Koh jointly developed the claimed invention under the scope of their employment by Beckman Coulter Inc.
3. Inventors Yu Liu, M. Parameswara Reddy and Chitra K. Ratnayake, have executed a Declaration averring that they, and Edward V. Koh are the joint inventors of the invention claimed in the above-described patent application. ***A copy of this Declaration is enclosed herewith.***
4. In light of the failure of Dr. Koh to respond to Applicants' requests that he join the application and execute the Inventors' Declaration, the Applicants Petitioned on October 20, 2003, pursuant to 37 C.F.R. § 1.47(a) to allow the present application to be made by inventors Yu Liu, M. Parameswara Reddy and Chitra K. Ratnayake, notwithstanding the failure of inventor Edward V. Koh to join in the application. ***A copy of the Petition(without the previously submitted enclosures) is enclosed herewith.***
5. Applicants Petition was Dismissed on January 23, 2004, as failing to establish that the complete application was provided to Dr. Koh. ***A copy of the Dismissal is enclosed.***
6. Repeated efforts have been made to contact Dr. Edward V. Koh and to invite him to join in the application and to execute the Inventors' Declaration.

- A. On February 4, 2004, in light of the Dismissal of Applicants' Petition, I personally wrote to Dr. Edward V. Koh inviting him to join in the above-described patent application. My letter was addressed to the last known residence address of Dr. Koh, and was sent via certified mail. My letter to Dr. Koh included a complete copy of the above-indicated application as filed, including its specification, figures and claims, as well as a copy of the Declaration that had been previously sent to his co-inventors. *A copy of my February 4, 2004 letter is enclosed (without its enclosures).*
- B. Dr. Edward V. Koh accepted actual delivery of the application and my February 4, 2004 letter on February 17, 2004, as indicated by the return receipt postcard forwarded by the U.S. Postal Service, which is signed by Dr. Edward Koh. *A copy of the return receipt postcard is enclosed.*
- C. Dr. Koh's acceptance of the February 4, 2004 letter establishes that the address employed in my letter was accurate and sufficient to reach Dr. Koh.
- D. Dr. Koh's acceptance of the February 4, 2004 letter establishes that Dr. Koh received the complete application and Declaration.
- E. Dr. Koh did not respond to my February 4, letter.
- F. On March 1, 2004, in light of Dr. Koh's failure to respond to my February 4, 2004, letter, I wrote to Dr. Koh advising that I had received no response to my February 4, 2004, letter had been received. My March 1, 2004, letter included a copy of my

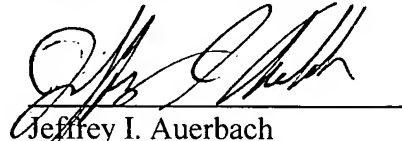
February 4, 2004, letter, as well as a complete copy of the application, including its specification, figures and claims, and a copy of the Inventors' Declaration. *A copy of the March 1, 2004 letter is enclosed (without its enclosures)..*

- G. On March 5, 2004, my March 1, 2004, letter was accepted at Dr. Koh's residence, as indicated by the return receipt postcard forwarded by the U.S. Postal Service, which is signed by Chen Koh. *A copy of the return receipt postcard is enclosed.*
 - H. Dr. Koh has not responded to my March 1, 2004, letter.
 - I. The undersigned respectfully submits that Dr. Koh has now been provided with multiple copies of the complete application, including its specification, figures and claims, and has been accorded multiple opportunities to join in the application or to provide an explanation for his refusal to do so. No response to these opportunities has been received by the undersigned.
- 7. At present, Edward V. Koh has not responded to any of Applicants' numerous attempts to reach him.
 - 8. In light of such non-response, Applicants have concluded that Edward V. Koh has refused to join in the above-described application.
 - 9. Applicants accordingly request reconsideration of the January 23, 2004, Dismissal of Applicants' October 20, 2003, Petition pursuant to 37 C.F.R. § 1.47(a) and request that such Petition be GRANTED in order to allow the present application to be made by inventors Yu Liu, M. Parameswara Reddy and Chitra K. Ratnayake, notwithstanding the failure of inventor Edward V. Koh to join in the application.

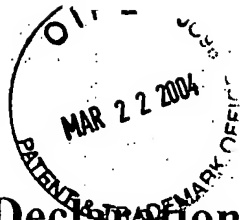
10. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 22-March-2004
Liniak, Berenato & White, LLC
6550 Rock Spring Drive, Suite 240
Bethesda, MD 20817
Telephone: (301) 896-0600
Facsimile: (301) 896-0607

Respectfully Submitted,



Jeffrey I. Auerbach
Registration No. 32,680
Attorney for Assignee



Docket Number: 03501.141

Declaration for Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter that is claimed and for which a patent is sought on the invention entitled:

Improved Methods and Compositions for Capillary Electrophoresis (CE)

the specification of which:

- ☐ is attached hereto
☒ was filed on **June 27, 2003**;
as United States Patent Application Serial Number **10/607,584**; and
was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

☒ Yes ☐ No

(Application No.)

(Country)

(Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

60/402,684
(Application No.)

August 12, 2002
(Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

(Application No.)

(Filing Date)

(Status - patented, pending, abandoned)

Send Correspondence to:

U.S. PTO Customer Number 28410

LINIAK, BERENATO & WHITE, LLC
6550 Rock Spring Drive, Suite 240
Bethesda, MD 20817
Facsimile (301) 896-0607

Direct Telephone Calls to: (301) 896-0600

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Yu LIU**

Inventor's signature _____ Date: _____

Residence Address:	Post Office Address:
1136 Chisolm Trail Dr.	1136 Chisolm Trail Dr.
Diamond Bar, California 91765, USA	Diamond Bar, California 91765, USA

Citizenship **China**

Full name of second inventor: **M. Parameswara REDDY**

Inventor's signature _____ Date: _____

Residence Address:	Post Office Address:
219 Valverde Ave.	219 Valverde Ave.
Brea, California 92821 USA	Brea, California 92821 USA

Citizenship **India**

Full name of third inventor: **Chitra K. RATNAYAKE**

Inventor's signature _____ Date: _____

Residence Address: **20660 Via Augusto
Yorba Linda, California 92887 USA**

Post Office Address: **20660 Via Augusto
Yorba Linda, California 92887 USA**

Citizenship **USA**

Full name of fourth inventor: **Edward V. KOH**

Inventor's signature _____ Date: _____

Residence Address: **23811 Country View Dr.
Diamond Bar, California 91765 USA**

Post Office Address: **23811 Country View Dr.
Diamond Bar, California 91765 USA**

Citizenship **USA**



Declaration for Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter that is claimed and for which a patent is sought on the invention entitled:

Improved Methods and Compositions for Capillary Electrophoresis (CE)

the specification of which:

- ☐ is attached hereto
☒ was filed on **June 27, 2003**;
as United States Patent Application Serial Number **10/607,584**; and
was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

(Application No.) (Country) (Day/Month/Year Filed) ☒ Yes ☐ No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

60/402,684 August 12, 2002
(Application No.) (Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

(Application No.) (Filing Date) (Status - patented, pending, abandoned)

Send Correspondence to:

U.S. PTO Customer Number 28410

LINIAK, BERENATO & WHITE, LLC
6550 Rock Spring Drive, Suite 240
Bethesda, MD 20817
Facsimile (301) 896-0607

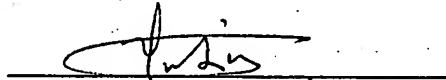
Direct Telephone Calls to: (301) 896-0600

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor:

Yu LIU

Inventor's signature



Date: 7-25-03

Residence Address:

**1136 Chisolm Trail Dr.
Diamond Bar, California 91765, USA**

Post Office Address:

**1136 Chisolm Trail Dr.
Diamond Bar, California 91765, USA**

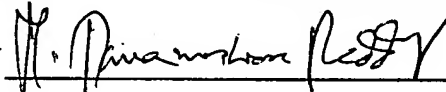
Citizenship

China

Full name of second inventor:

M. Parameswara REDDY

Inventor's signature



Date: 7-25-03

Residence Address:

**219 Valverde Ave.
Brea, California 92821 USA**

Post Office Address:

**219 Valverde Ave.
Brea, California 92821 USA**

Citizenship

India

Full name of third inventor: **Chitra K. RATNAYAKE**

Inventor's signature *C. K. Ratnayake* Date: 07/25/03

Residence Address: **20660 Via Augusto
Yorba Linda, California 92887 USA**

Post Office Address: **20660 Via Augusto
Yorba Linda, California 92887 USA**

Citizenship **USA**

Full name of fourth inventor: **Edward V. KOH**

Inventor's signature _____ Date: _____

Residence Address: **23811 Country View Dr.
Diamond Bar, California 91765 USA**

Post Office Address: **23811 Country View Dr.
Diamond Bar, California 91765 USA**

Citizenship **USA**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
LIU, Yu *et al.*

Appl. No. 10/607,584

Filed: 27 June 2002

For: **Improved Methods and
Compositions for Capillary
Electrophoresis (CE)**

Art Unit: To be Assigned

Examiner: To be Assigned

Atty. Docket: 03501.141

Petition

Pursuant to C.F.R. § 1.47(a) Relating to Edward V. Koh

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully Petition, pursuant to 37 C.F.R. § 1.47(a) to allow the present application to be made by inventors Yu Liu, M. Parameswara Reddy and Chitra K. Ratnayake, notwithstanding the failure of inventor Edward V. Koh to join in the application. The facts relating to this matter are provided below.

1. I, Jeffrey I. Auerbach, am the attorney of record for the above-described patent application.
2. On information and belief, the inventors Yu Liu, M. Parameswara Reddy, Chitra K. Ratnayake, and Edward V. Koh jointly developed the claimed invention under the scope of their employment by Beckman Coulter Inc.
3. Inventors Yu Liu, M. Parameswara Reddy and Chitra K. Ratnayake, have executed a Declaration averring that they, and Edward V. Koh are

the joint inventors of the invention claimed in the above-described patent application.

4. On information and belief, shortly after the filing of the present application, the employment of Edward V. Koh by Beckman Coulter terminated.
5. Repeated efforts have been made to contact Edward V. Koh and to invite him to join in the application and to execute the enclosed Declaration. On information and belief, these efforts have included:
 - A. On August 19, 2003, the Legal Department of Beckman Coulter Inc. sent to Edward V. Koh a first copy of the enclosed Declaration by first class U.S. Mail addressed to Edward V. Koh's address of record: 23811 Country View Dr., Diamond Bar, California 91765 USA. On information and belief, no response has been received.
 - B. On September 16, 2003, the Legal Department of Beckman Coulter Inc. sent to Edward V. Koh a second copy of the enclosed Declaration by first class U.S. Mail addressed to Edward V. Koh's address of record: 23811 Country View Dr., Diamond Bar, California 91765 USA. On information and belief, no response has been received.
 - C. On October 13, 2003, the Legal Department of Beckman Coulter Inc. sent to Edward V. Koh a third copy of the enclosed Declaration by certified first class U.S. Mail addressed to Edward V. Koh's address of record: 23811 Country View Dr.,

Diamond Bar, California 91765 USA. On information and belief, no response has been received.

- D. On information and belief, on October 13, 2003, Dr. Liu attempted to contact Edward V. Koh by telephone at his telephone number of record. The call was answered by a woman who refused to advise as to whether Edward V. Koh lived at the residence address of record.
6. As evidence thereof, Applicants submit copies of the August 19, September 16 and October 13, 2003, letters to Mr. Koh.
7. Additionally, on October 13, 2003, I personally attempted to contact Edward V. Koh by telephone at his telephone number of record. The call was answered by a woman who refused to advise as to whether Edward V. Koh lived at the residence address of record.
8. At present, Edward V. Koh has not responded to any of Applicants' numerous attempts to reach him. On information and belief, no additional forwarding or contact information is available to Applicants, and Applicants are unable to contact Mr. Koh. Efforts made by the undersigned on October 14, 2003, to find Edward V. Koh using computer-assisted telephone directories were unsuccessful.
9. In light of such non-response, Applicants have concluded that Edward V. Koh is not reachable by mail or telephone.
10. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are

Petition
Pursuant to 37 C.F.R. § 1.47(a)

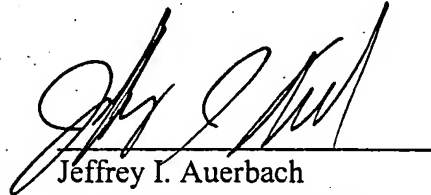
- 4 -

In Re LIU, Yu *et al.*
US. Patent Appln. Serial No. 10/607,584

punishable by fine or imprisonment, or both under Section 1001, Title
18 of the United States Code, and that such willful false statements may
jeopardize the validity of the application or any patent issuing thereon.

Respectfully Submitted,

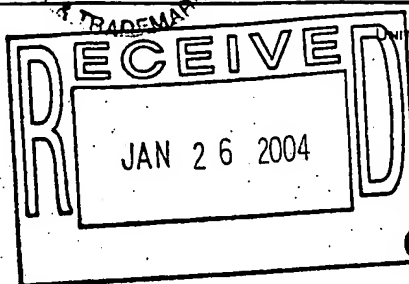
Date: 20 - OCT - 2003
Liniak, Berenato & White, LLC
6550 Rock Spring Drive, Suite 240
Bethesda, MD 20817
Telephone: (301) 896-0600
Facsimile: (301) 896-0607


Jeffrey I. Auerbach
Registration No. 32,680
Attorney for Assignee



UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 22 2004



COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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6550 ROCK SPRING DRIVE
SUITE 240
BETHESDA MD 20817

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JAN 23 2004

OFFICE OF PETITIONS

JAN 26 2004

In re Application of
Yu Liu et al.
Application No. 10/607,584
Filed: June 27, 2003
Attorney Docket No. 03501.141

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition filed under 37 CFR 1.47(a) on October 20, 2003.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a), and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on June 27, 2003 naming Yu Liu, M. Parameswara Reddy, Chitra K. Ratnayake and Edward V. Koh as inventors but without a signed declaration.

Accordingly, on September 22, 2003, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration.

In response, on October 20, 2003, the present petition was filed with a declaration signed only by joint inventors Liu, Reddy and Ratnayake. Petitioners assert that the Declaration was sent to joint inventor Koh on three occasions and that telephone calls made to the phone number of record were made and messages left but neither the declaration was returned nor the phone calls. Petitioners seek status under 37 CFR 1.47(a) since they have been unsuccessful in reaching Mr. Koh with respect to this application.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks items (1) set forth above.

In regards to item (1), petitioners have not provided sufficient proof that a copy of the complete application (specification, including claims, drawings, if any, and the declaration) was sent to the non-signing inventor.

The statement made by the attorney of record suggests that copies of the letters sent with the declaration to Mr. Koh at his last known address were attached to the petition. A review of the file does not reveal any letters that could possibly serve as proof that the

application papers were sent to the non-signing inventor.

The evidence presented does not bear proof that Mr. Koh has had the opportunity to review the application.

Petitioners may show proof that a copy of the application was sent or given to the non-signing inventor for review by providing a copy of the cover letter transmitting the application papers to the non-signing inventor or details given in an affidavit or declaration of facts by a person having first hand knowledge of the details.

Likewise, before a *bona fide* refusal can be shown, the non-signing inventor must have been given an opportunity to review the application. Therefore, petitioners must show proof that the non-signing inventor refuses to sign the declaration after being sent or given a copy of the application papers. If there is a written refusal, petitioners should submit a copy of that refusal with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of facts.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By FAX: (703) 872-9306

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (703)305-4497.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



LINIAK, BERENATO & WHITE

ATTORNEYS AT LAW

A LIMITED LIABILITY COMPANY

6550 ROCK SPRING DRIVE
SUITE 240

BETHESDA, MARYLAND 20817

TELEPHONE: (301) 896-0600

FACSIMILE: (301) 896-0607

VIRGINIA OFFICE

5 LOUDOUN STREET, S. E.
LEESBURG, VA 20175

OF COUNSEL

NOT ADMITTED IN MD.

THOMAS P. LINIAK
JOSEPH W. BERENATO, III*
JOHN M. WHITE*
MATTHEW W. STAVISH
MATTHEW F. JOHNSTON
JEFFREY I. AUERBACH, PH.D.
KAREN L. ORZECZOWSKI*
SCOTT T. WAKEMAN*
J. ANDREW MCKINNEY, JR.*
WESLEY W. MULLER
WILLIAM C. SCHROT*

GEORGE AYVAZOV, PH.D.
REG. PATENT AGENT

February 4, 2004

Via Certified Mail

Dr. Edward V. Koh
23811 Country View Dr.
Diamond Bar, California 91765 USA

RE: United States Patent Application Serial No. 10/607,584
Filed: June 27, 2003
Entitled: Improved Methods and Compositions for Capillary Electrophoresis (CE)
Inventors: Yu Liu of 1136 Chisolm Trail Dr., Diamond Bar, California 91765, USA;
M. Parameswara Reddy of 219 Valverde Ave., Brea, California 92821 USA;
Chitra K. Ratnayake of 20660 Via Augusto, Yorba Linda, California 92887 USA; and
Edward V. Koh of 23811 Country View Dr.
Diamond Bar, California 91765 USA

Our Ref: 03501.141

Dear Dr. Koh:

I am a patent attorney retained by Beckman Coulter Inc. to represent its interests in preparing and prosecuting the above-indicated patent application before the United States Patent & Trademark Office.

I have enclosed with this letter a complete copy of the above-indicated application as filed, including its specification, figures and claims. Although it is my understanding that the Legal Department of your former employer, Beckman Coulter, Inc has previously sent these documents to you by mail and courier, I have resent these documents in order to ensure that this is indeed the case.

Importantly, it is my understanding that you have contributed to the conception of at least one claim of the enclosed patent application. For this reason, the above-indicated patent application was filed naming you as a co-inventor. As you may know, United States law requires all inventors to sign and date a Declaration attesting to their inventorship, and acknowledging certain requirements, such as the duty to disclose information that may be relevant to the patentability of the claimed invention. I have enclosed such a Declaration for your review and execution, if appropriate.

You are requested to carefully review the enclosed application, its claims, and the enclosed Declaration.

If, after carefully reviewing the enclosed complete application (including the specification, claims and figures thereof), you agree that you have contributed to the conception of at least one claim, please:

- (1) Execute the Declaration;
- (2) Check **Statement A** below, and
- (3) Return this letter to me, along with the Declaration so that I can submit it to the United States Patent & Trademark Office.

If, after carefully reviewing the enclosed complete application (including the specification, claims and figures thereof), you conclude that you have not contributed to the conception of even a single claim of the application, then you are not an inventor of the invention claimed in the enclosed application, and should not execute the enclosed Declaration. In this case, please:

- (1) Do Not Execute the Declaration;
- (2) Check **Statement B** below, and
- (3) Return this letter to me, along with the Declaration so that I can submit it to the United States Patent & Trademark Office.

If, after carefully reviewing the enclosed complete application (including the specification, claims and figures thereof), you agree that you have contributed to the conception of at least one claim, but nevertheless refuse to execute the Declaration, please:

- (1) Check **Statement C** below, and
- (3) Return this letter to me, along with the Declaration so that I can submit it to the United States Patent & Trademark Office.

If you have contributed to the conception of at least one claim, but refuse to execute the Declaration, then, on behalf of your co-inventors and former employer, I shall seek to prosecute the application pursuant to 37 C.F.R. § 1.47(a) in order to allow the application to be made by inventors Yu Liu, M. Parameswara Reddy and Chitra K. Ratnayake.

If none of Statements A, B, or C are applicable, please explain your actions by completing **Statement D**.

In all cases, please return this letter to me. I have enclosed a duplicate copy for your records, and a self-addressed Federal Express return shipping envelope, with shipping prepaid, for your convenience.

I have also enclosed an Assignment that would transfer your rights in the invention to your former employer, Beckman Coulter, Inc. that I believe is appropriate for you to sign and return to me.

I, Edward V. Koh, of 23811 Country View Dr., Diamond Bar, California 91765 USA:

Statement A. _____ Having carefully reviewed the enclosed complete application (including the specification, claims and figures thereof), I agree that I have contributed to the conception of at least one of its claims. I have therefore signed and dated the enclosed Declaration and am returning it to you with this letter in the return envelope provided to me.

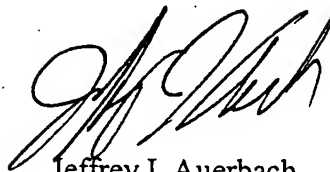
Statement B. _____ Having carefully reviewed the enclosed complete application (including the specification, claims and figures thereof), I have concluded that I have **NOT** contributed to the conception of even one of its claims. I have therefore **NOT** signed and dated the enclosed Declaration and am returning it to you unsigned with this letter in the return envelope provided to me.

Statement C. _____ Having carefully reviewed the enclosed complete application (including the specification, claims and figures thereof), I agree that I have contributed to the conception of at least one of its claims. However, I have elected to refuse to execute the enclosed Declaration and am returning it to you unsigned with this letter in the return envelope provided to me.

Statement D. _____ Other Explanation: _____

If there is any information regarding the application that you feel you require in order to complete the Declaration or the appropriate statements, please contact me by telephone ((301) 896-0600) or e-mail (jauerbach@LBLW.com).

Yours truly,



Jeffrey I. Auerbach
Counsel for Beckman Coulter, Inc.

Enclosures:

- (1) Complete copy of United States Patent Application Serial No. 10/607,584, as filed, including its specification, figures and claims
- (2) Declaration
- (3) Assignment
- (4) Duplicate copy of this letter
- (5) Self-addressed Federal Express return shipping envelope, with shipping prepaid



Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Dr. Edward V. Koh
123811 Country View Dr
Diamond Bar, CA 91765

4a. Article Number

7001 1940 0000 9442 17

4b. Service Type

- ☐ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise

7. Date of Delivery

02-17-04

5. Received By: (Print Name)

Edward Koh

8. Addressee's Address (Only if requested and fee is paid)

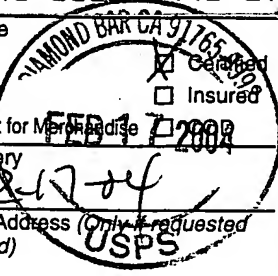
6. Signature (Addressee or Agent)

X

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt Service.



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Dr. Edward Koh
23811 Country View Dr
Diamond Bar
CA 91765

2. Article Number
(Transfer from service label)

7001 1940 0000 9442 1792

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Chen Koh

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Chen Koh

C. Date of Delivery

3-5-04

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes